

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
March 12, 2003

ITEM: 8 b.

SUBJECT: **PUBLIC HEARING:** Cease and Desist Order Against the City of San Diego for the Discharge of Extracted Groundwater to San Diego Bay from the San Diego Convention Center. The Regional Board will consider an order establishing a compliance schedule with Waste Discharge Requirements Order No. R9-2003-0050 (tentative Cease and Desist Order No. R9-2003-0086) (*Vicente Rodriguez*)

PURPOSE: To hear testimony from staff, the discharger, and the public whether the Regional Board should adoption tentative Cease and Desist Order No. R9-2003-0086 (CDO). The CDO establishes a compliance schedule with Waste Discharge Requirements (WDRs) Order No. R9-2003-0050.

PUBLIC NOTICE: Public notification for the CDO was provided via the Regional Board Agenda Notice for today's meeting. Notice of the hearing was also posted on the Regional Board's web 12 days in advance of today's hearing

DISCUSSION: The discharges by the City of San Diego of extracted groundwater from the vicinity of the Convention Center to San Diego Bay are consistently in violation of effluent limitations for chronic toxicity, acute toxicity, total suspended solids, and copper as reported in self-monitoring reports since January 2000. In 2001, the City of San Diego constructed the discharge outfall and installed carbon adsorption units in an attempt to reduce the violations of Order No. R9-2000-0090. These measures were not successful in eliminating all violations.

The City of San Diego is not expected to meet the requirements in Order No. R9-2003-0050 as well. The City has indicated the costs to discharge to their own sanitary sewer are extremely high and that they are working toward a solution to achieve compliance if they were provided additional time. Therefore, the Regional Board may consider adoption of a Cease and Desist Order with a time schedule to achieve compliance.

If adopted, the City of San Diego will be required to cease violations of the effluent limitations contained in waste discharge requirements Order No. R9-2003-0050 no later than December 31, 2003. The City of San Diego would also be required to submit the following technical reports:

1. An **Estimated Cost** to be submitted on or before April 9, 2003. This technical report shall contain information on the cost to send all or a portion of the discharge to the sanitary sewer.
2. A **Remedial Action Work Plan** to be submitted by May 14, 2003. This technical report shall outline the City of San Diego's proposed schedule for various compliance alternatives and information on pollutant reduction capabilities to come into compliance with Order No. R9-2003-0050.

Based on the information to be included in the technical reports, the Regional Board may, at a later time, consider amending this Cease and Desist Order to modify the milestones and allow the City additional time to achieve compliance and to establish interim effluent limits.

Based on past and current violations, data from self-monitoring reports, and current treatment and disposal of the effluent, staff expects the City of San Diego will be in violation of the WDRs unless it terminates the discharge to San Diego Bay.

LEGAL CONCERNS:	None
SUPPORTING DOCS:	1. Location Map 2. Cease and Desist Order No. R9-2003-0086 (To be provided in the supplemental mailing)
RECOMMENDATION:	Adopt Cease and Desist Order No. R9-2003-0086.